

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19 CV 190**

ANGELA EARLS,)	
)	
PLAINTIFF,)	ORDER
)	
v.)	
)	
FORGA CONTRACTING, INC. and)	
WILLIAM SCOTT FORGA,)	
)	
DEFENDANTS.)	
<hr style="width:40%; margin-left:0"/>)	

This matter is before the Court on Plaintiff's Motion for Final Execution and Order to Preclude Exempt Property Rights (Doc. 20).¹

A review of the Motion and the docket reveals certain issues. The Motion indicates that the Notice of Right to Have Exemptions Designated was issued on October 13, 2020, but the docket shows that the Notice was issued on September 24, 2020. Doc. 19. More substantively, the Motion indicates that the Notice together with Schedules of Debtor's Property and Request to Set Aside Exempt Property were served on Defendant according to law. However, the record does not include proof of service of these items, as directed by the Notice. See Doc. 19 at 2 (Notice to the Judgment Creditor). In addition, the proposed Order presented by Plaintiff asks the Court to find that the judgment has been

¹ The Motion references only Defendant William Scott Forga.

served on Defendant. Evidence of such service, however, does not appear from the Motion or the docket.

Accordingly, Plaintiff's Motion for Final Execution and Order to Preclude Exempt Property Rights (Doc. 20) will be **DENIED WITHOUT PREJUDICE**.

It is so ordered.

Signed: November 20, 2020

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

